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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/025,531    02/18/98    BECKMAN

J    1-5119 *mk*

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QM12/0719

EXAMINER

NGUYEN, T

ART UNIT

PAPER NUMBER

3726

10

DATE MAILED:    07/19/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
09/025,531

Applicant(s)

Beckman

Examiner

Trinh Nguyen

Group Art Unit  
3726

☒ Responsive to communication(s) filed on May 10, 1999

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-15 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☐ Claim(s) \_\_\_\_\_ is/are rejected.

☒ Claim(s) 1-15 is/are objected to.

☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

2. (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
3. **Claims 1, 4, 6, 9 and 11** are rejected under 35 U.S.C. 102(b) as being anticipated by

**Jacobs et al.** (US 5,561,902).

**Jacobs et al.** discloses a method for manufacturing a vehicle frame comprising the steps of: hydroforming the first and second side rails (36), securing a cross member (40) to the first and second side rails, connecting a component of a vehicle to one of the first and second integrally formed mounting structures. As shown in Figures 2D and 7, note that 180 and 408 can be interpreted as an inwardly extending protrusion.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. **Claims 2-5, 7-10, and 12-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Jacobs et al.** (US 5,561,902) in view of **Shah et al.** (US 5,666,840).

Jacobs et al. discloses most of the limitations of the claims, as stated above in paragraph 4, but fail to specify that the integrally formed mounting structure comprises an aperture within the structure and that the mounting structure comprises an inwardly extending protrusion.

Shah et al., on the other hand, teach the method of using an apparatus for piercing apertures through structure components in combination with the process of hydroforming (See Abstract and Figures 2-4), which results in an inwardly extending protrusion.

It would have been obvious in view of Shah et al. to incorporate the method of piercing apertures through the structure components of Jacobs et al. in place of the separately attached components, since this would be replacing one old and well known attachment means with another old and well known attachment means, so the purpose facilitating the attachment of various vehicle components onto the vehicle frame structure.

#### ***Response to Arguments***

6. Applicant's arguments filed 5-10-99 have been fully considered but they are not persuasive.

In response to applicant's argument that the Jacobs et al. reference does not show the method of manufacturing a vehicle frame assembly as claimed, note that Jacobs et al. clearly

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disclose a method for manufacturing a vehicle frame which comprises the steps of: hydroforming the first and second side rails (36), securing a cross member (40) to the first and second side rails, connecting a component of a vehicle to one of the first and second integrally formed mounting structures.

Also note that in Figures 2D and 7, reference numbers 180 and 408 can be interpreted as an inwardly extending protrusion and that these inwardly extending protrusions, in combination with Shah et al.'s method of using an apparatus for piercing apertures through structure components, are <sup>in</sup>herently capable of supporting any vehicle components, such as an engine as claimed by the Applicant. Additionally, it has been held that a recitation with respect to the manner in which a claimed structure, "the inwardly extending protrusion is shaped to support an engine of the vehicle", is intended to be employed does not differentiate the claimed structure from a prior art structure satisfying the claimed structural limitations.

Furthermore, it appears from the cited reference, Beckman (US 5,700,033), that a vehicle frames (12, 14) also comprise an extending protrusion as indicated in Figure 1.

### *Conclusion*

7. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Trinh Nguyen** whose telephone number is (703) 306-9082.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148.

TTN

July 14, 1999

*John C. Adams*  
*Per 3726*